



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15275 of 2023

Vignesh @ Vigneshwaramoorthy

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Negamam Police Station,
Pollachi, Coimbatore.
(Crime No.67 of 2013)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to set aside the order dated 27.02.2023 in Crl.M.P.No.1092 of 2023 passed by the learned Principal District and Sessions Judge, Coimbatore in Crl.A.No.55 of 2023 pending on the file of the learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Ms.M.Kruthika

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed against the dismissal of the application filed in Crl.M.P No.1092 of 2023 in Crl.A.No.55 of 2023 by the learned Principal District and Sessions Judge, Coimabtores, wherein, the petitioner had sought for suspension of sentence pending disposal of the appeal.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

3.The petitioner was convicted for offence under Section 392 r/w 397 of IPC by the learned Assistant Sessions Judge, Pollachi in S.C.No.57 of 2015 by judgment dated 01.02.2023 and he was sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal before the District and Sessions Court, Coimbatore in Crl.A.No.55 of 2023. Pending the appeal, the petitioner also filed an application seeking for suspension of sentence.



4.The Court below dismissed the application mainly on the ground that there are six pending cases against the petitioner and one such case is a murder case.

Aggrieved by the same, the present petition has been filed before this Court.

5.This Court directed the learned Government Advocate (Crl. Side) to take instructions and to file a counter. Accordingly, the respondent has filed a counter. The previous cases against the petitioner has been tabulated in the counter and the same is extracted hereunder:

S.No	Police Station, Crime Number, Offences under Section	Stage of the case
1	Negamam Police Station, Crime No.185 of 2019, U/s.379 IPC	Pending Trial
2	Negamam Police Station, Crime No.169 of 2019, U/s.457, 380 IPC	Pending Trial
3	Negamam Police Station, Crime No.244 of 2018, U/s.379 IPC	Pending Trial
4	Negamam Police Station, Crime No.242 of 2017, U/s.457, 380 IPC	Acquittal
5	Negamam Police Station, Crime No.260 of 2014, U/s.302 IPC	Acquittal
6	Negamam Police Station, Crime No.66 of 2010, U/s.4(1) (aaa) r/w 4(1)(a) of TNRS Rule	Acquittal



6.It is clear from the above that there are three cases pending against the petitioner and the petitioner has already been acquitted from the other three cases which also includes the case for murder. It is also seen that three pending cases are based on the FIR registered by the respondent and these three cases are for offences under Sections 379, 457 and 380 of IPC.

7.The petitioner has already suffered incarceration from 01.02.2023 onwards. Taking into consideration the facts and circumstances of the case, this Court is inclined to interfere with the order passed by the Court below and accordingly, the order passed in Crl.M.P.No.1092 of 2023 dated 27.02.2023 is hereby, set aside.

8.The petitioner shall be enlarged on bail subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate Court-II, Pollachi.



(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar cards or Bank passbooks to ensure their identity; and

(iii) The petitioner shall report before the learned Principal District and Sessions Judge, Coimbatore once in fifteen days on the 1st and 15th of every month at 10.30 a.m., till the disposal of the criminal appeal. If the 1st and 15th of any month falls on a holiday, the petitioner shall appear on the next working day at 10.30 a.m.

Accordingly, this criminal original petition is disposed of.

18.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr



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N.ANAND VENKATESH, J

SSR

To

- 1.The Principal District and Sessions Judge, Coimbatore.
- 2.The Judicial Magistrate Court-II, Pollachi.
- 3.The Inspector of Police,
Negamam Police Station,
Pollachi, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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